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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/617,533	07/11/2003	Ronald P. Snyder	29020/99045B	3496

34431 7590 06/15/2005

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EXAMINER

PUROL, DAVID M

ART UNIT

PAPER NUMBER

3634

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/617,533

Applicant(s)

SNYDER, RONALD P.

Examiner

David M. Purol

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-64 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-64 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date: _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____  | 6) <input type="checkbox"/> Other: _____                                    |

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1. The terminal disclaimer filed on March 17, 2005 is proper and has been recorded.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by La Borde. La Borde discloses the claimed panel apparatus including first panel 10, first interlocking member 16, 16a, 16b, 17, 17a, second panel 20, second interlocking member 21, 21a, 21b, 22, 22a.

3. Claims 1, 31 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Rekret. Rekret discloses the claimed panel apparatus including a plurality of interlocking members 5.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-30, 32, 33, 35-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over La Borde. As to the type of material from which the panel apparatus

is constructed from, it is a well settled issue that the selection of a known material based upon its suitability for the intended use would have been obvious to one of ordinary skill in the art, and as such, cannot be relied upon for patentability.

5. Claims 3-30,32,33,35-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rekret. As to the type of material from which the panel apparatus is constructed from, it is a well settled issue that the selection of a known material based upon its suitability for the intended use would have been obvious to one of ordinary skill in the art, and as such, cannot be relied upon for patentability.

6. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over La Borde in view of Zarwell. While La Borde does not set forth the panel members as having a screen, Zarwell discloses a panel member comprising a screen 24, wherein, to incorporate this teaching into the panel member of La Borde for the purpose of ventilation would have been obvious to one of ordinary skill in the art.

7. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rekret in view of Stansberry. While Rekret does not set forth the panel members as having a screen, Stansberry discloses a panel member comprising a screen 34, wherein, to incorporate this teaching into the panel member of Rekret for the purpose of ventilation would have been obvious to one of ordinary skill in the art.

8. The applicant states that La Borde uses the panels for walls that do not move and generally do not get impacted and in particular the wall structure disclosed by La

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Borde does not have the weight, strength, or toughness characteristics to function as a door panel. This is not convincing for there is nothing to indicate in La Borde that the disclosed panels are not capable of performing the function of a door panel. The applicant states that one of ordinary skill in the art would not think to apply a panel structure for use in making walls and corners in the building industry as disclosed by La Borde to a door because of the difference in function between the two products. This argument is more specific than the claims for the claims of the instant application fail to recite any structure of the claimed panel which would confine its limitation to that of a door.

The applicant states that while Rekret pertains to panels for use with a door, Rekret is specifically directed to a monolithic design without modularity. This is not convincing for the claims of the instant application fail to recite any language which might differentiate the door panel from a monolithic design without modularity. The applicant argues that the type of connection of Rekret requires each individual panel to have its own means for guiding itself along the track. This is not convincing for the claims of the instant do not preclude the presence of a means for guiding. The applicant states that the panels claimed here are not connected via a hinge and the panels do not pivot or flex relative to each other. This is not convincing for the claims of the instant application do not preclude the presence of hinges.

As to the applicant's argument that there is absolutely no suggestion or motivation that would lead one to apply the screen of Zarwell into the wall panel of La Borde, it should be noted that both the references to Zarwell and La Borde are from the applicant's field of endeavor, wherein, the applicant is presumed to have full knowledge of the prior art within their respective field of endeavor.


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Applicant's arguments have been fully considered but they are not deemed to be persuasive.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

10. Any inquiry concerning this communication should be directed to David M. Purol at telephone number (571) 272-6833.

  
**David M. Purol**  
**Primary Examiner**  
**Art Unit 3634**